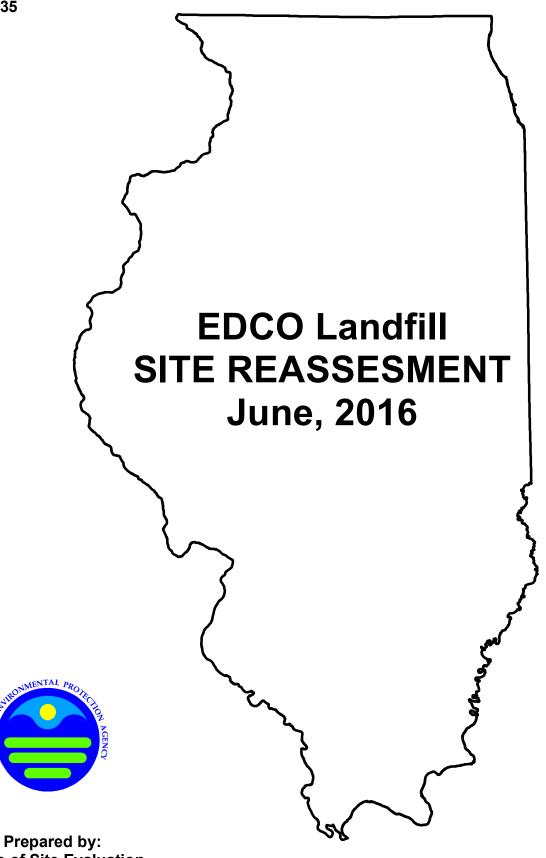
Lake County EDCO Landfill LPC 0970250001 ILD 980650935 SF/TECH



Office of Site Evaluation
Division of Remediation Management
Bureau of Land

SITE REASSESMENT For:

EDCO LANDFILL

Grayslake, Illinois LPC 0970250001

ILLINOIS ENVIRONMETAL PROTECTION
AGENCY
OFFICE OF
SITE EVALUATION

SIGNATURE PAGE

Title:	Site Reassessment for the EDCO Landfill Site		
Preparer:	Mark E. Wagner, Project Manager, Office of Site Evaluation, Illinois Environmental Protection Agency		
	Signature	<u> </u>	
Approval:	David Brauner, Acting NPL Coordinator United States Environmental Protection Agency, Region 5		
	Danis M. Brauso- Signature	6/21/16 Date	

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SITE REASSESSMENT

Section 1.0 Introduction

On January 7, 2015, the Illinois Environmental Protection Agency's (Illinois EPA) Office of Site Evaluation was tasked by the Region V Offices of the United Environmental Protection Agency (U.S. EPA) to conduct a Site Reassessment at the EDCO Landfill site. The Site is located approximately one mile southeast of the Village of Grayslake, Illinois in unincorporated Lake County. (See Figure 1)

The legal description of the property is: northern 1/2 of the northern 1/2 of the northeastern 1/4 of the southwestern 1/4 of Section 1; the southern 1/2 of the southeastern 1/4 of the northwestern 1/4 of Section 1; the eastern 1/2 of the southwestern 1/4 of the northwestern 1/4 of section 1, Township 44 north, Range 10 east, Third Principle Meridian, Lake County, Illinois.

The Site Reassessment is performed under the authority of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) commonly known as Superfund. Current U.S. EPA policy stipulates that a Site Reassessment be conducted to determine the current status of EDCO Landfill site. This Site Reassessment will consist of an evaluation of recent information to determine if further Superfund investigation is warranted. The reassessment will supplement previous assessment work, and is not intended to replace previous CERCLA assessments.

The Site Reassessment is designed to provide necessary information that will help determine if the site qualifies for possible inclusion on the National Priorities List, or should receive a No Further Remedial Action Planned (NFRAP) designation. At the end of the reassessment process Illinois EPA will recommend that the site be given a NFRAP designation, receive further Superfund investigation, or referred to another state or federal cleanup program.

The Site was initially placed on CERCLIS [now known as the Superfund Enterprise Management System (SEMS)] in 1992 at the request of the Illinois EPA. This request was in response to several unresolved compliance violations that included documented releases of leachate to the surrounding wetlands and random open dumping.

The Site Reassessment Report will describe current site conditions and illustrate how the site has changed since the last CERCLA Inspection. This report will contain a review of existing information to determine site history, current site conditions, and evaluate analytical data that may exist on the site. The Site Reassessment will also support emergency response or time-critical removal activities if it is determined that they are warranted.

Section 2.0 Site Description and History

2.1 Site Description

The EDCO Landfill is located 1.0 mile southeast of Grayslake, Illinois immediately west of the intersection of Casey and Harris Roads in Avon Township, Lake County. The landfill is approximately 23 acres in size; bordered on the south by the Prairie Crossing Bike Path farmland, to

the southwest by the Soo Railroad which separates it from the A.R.F. (ARF) Landfill, to the northeast by the Chicago, Milwaukee; St. Paul and Pacific Railroad. Within a 1/4 mile to the east of the site is a residential development called Prairie Crossing. The community of Grayslake is located one mile to the north and Wildwood, Illinois is one mile to the northeast of the site. (See Figure 2)

The site is triangular in shape with wetlands along the northern section of two longest sides, generally following the above mentioned rail lines. They are wider and more developed on the side of the shared bordered with the ARF Landfill. ARF Landfill was purchased by USA Waste Services Incorporated in June of 1991. USA Waste Services Incorporated merged with Waste Management in March of 1998. (See Figure 3)

There are two commuter rail stations and parking areas for them centrally located on the landfill. They both occupy approximately a total of one and a half acres and have roads connecting them to each other and to the surrounding roadways. Prior to the construction of these rail stations there was extensive work done to the cap / final cover on the landfill. More details regarding it can be found in Section 3, of this report.

Historically and prior to the construction of the commuter rail stations and parking areas, the southeastern portion was characterized by low un-vegetated areas, some with surface water ponding.

The exact reason for the lack of vegetation is unknown and would appear to encompass 30-40 percent of the filled area. The northeast and southwestern portions of the site were supporting vegetation; extending down to the wetland areas. Erosion of this transitional area had exposed some debris and in places crevasses have been cut deep into the fill material exposing it. Paths created by small motorized recreational vehicles were visible throughout the wetlands located on the northwest and southwestern portion of the site. This recreational use of the site was further evident from the numerous shotgun shells that can be found almost anywhere on the filled area. The perimeter of the site is not fenced leaving the landfill easily accessible to the public.

Prior to the extensive work to the landfill cap / final cover, which was certified complete in September of 2001, numerous leachate seeps had been documented at the site and were a potential source of contamination to the wetlands. These leachate seeps appear to have been concentrated on the northeastern and northwestern slopes of the filled area.

During high water level conditions, runoff from the site eventually pass through a 40 inch culvert under the Soo Railroad tracks and on to the ARF Landfill/wetlands area.

2.2 Site History

The EDCO Landfill property, at the time of the 1993 Integrated Assessment (IA), Mr. Mike Wolff of Lake County Grading, Libertyville, Illinois owned the landfill but did not operate it as a permitted landfill during his ownership.

Landfill operations at the site started in 1958, under the name of S & S Scavenger Service and accepted: domestic/house hold waste, combustibles, putrescible, waste, industrial wastes and construction/demolition debris. Lake County Health Department Records indicate that the landfill was constructed by excavating shallow trenches by dragline. Waste was then deposited into the trenches, spread and compacted by a track loader. The owners during operation of the landfill were Ruth DeBaer, Peir Penderson and Bob Vanderleest. Due to the landfill's creation before the establishment of the Illinois EPA the landfill operated unregulated/permitted and no operational records exist to quantify or categorize the volume or the specific type or origin of the materials disposed of at EDCO. There has been no documented/permitted disposal of toxic wastes at this location. In 1972, EDCO ceased operation at this site but unpermitted dumping still occurred there. At this point the landfill was totally uncontrolled and apparently received wastes materials not listed above.

Documents from Illinois EPA's Field Operations Section indicate that 1976 was the final year of operation for the landfill and the agency's involvement at the site increased in the early 1980s. An Illinois EPA inspection of the site in late 1980 revealed severe leachate problems and randomly dumped refuse. Subsequent inspections conducted by the Illinois EPA found the same violations with no corrective action taken. Correspondence to site owners reported the inspection findings and requested resolutions to the problems. At the time, there were no records: county, state or federal that indicate these issues were corrected.

In June of 1981, a CERCLA 103 (C) Notification of Hazardous Waste was submitted to U.S.EPA indicating that solvents, mixed municipal waste, lab and hospital waste and unknown wastes were

hauled to and disposed of at the site from 1958 to 1970. In October of 1982, a consultant for the owners submitted and received approval from Illinois EPA on a corrective action plan for the site. A follow up inspection in 1985 revealed the same violations and resulted in a Pre-Enforcement Conference in March of 1986. Agreements at this time were again made to mitigate the long standing problems at the site between the site owners and the Illinois EPA. A November 1991, complaint investigation conducted by the Illinois EPA's Field Operation Section (FOS) reported that these same problems still exist at the former landfill site. In January of 1992 the Solid Waste Enforcement Decision Group (EDG) referred this site to the U.S.EPA Region V's Superfund (CERCLA) Program.

In 1993 the Illinois EPA conducted a CERCLA Preliminary Assessment of the site. In 1995, Illinois EPA conducted a CERCLA Integrated Assessment (IA). (Details regarding the CERCLA activities for this site can be found in the Section 2.3 of this report.) The landfill was inactive at the time of the IA and according to Mr. Mike Wolff of Lake County Grading and plans for a commuter rail station where already underway. By 1999, Waste Management purchased the landfill property and in that same year entered into a consent order (Number 99 CH 1052) with both the Illinois EPA and Lake County Health Department to address the long standing environmental issues at the site. (See Appendix A, Consent Order, Number 99 CH 1052, 1999)

In 2002, Waste Management, as part of a consent order they entered into submitted a "Project Completion Report EDCO Landfill Final Cover Construction" document. Both the Illinois EPA and the Lake County Health Department provided over-sight during the construction phase of

this plan. The site is currently in the post closure care phase, which is covered more in Section 3, of this report.

2.3 CERCLA Investigative History

As mentioned earlier in this report, CERCLA activities began at the site in 1993, when the Illinois EPA conducted a Preliminary Assessment of the site and given a "High" priority rating status. Based on the findings of the PA, the site moved forward and an Integrated Assessment (IA) was performed in late 1995 and given a "Low" priority rating status. As a result of the above listed consent order, in 1999 the priority rating status was changed to "Other Clean-up Authority" (OCA).

Soil/sediment, groundwater and residential drinking water samples were collected during the IA. Chemical analysis of soil/sediment samples collected by Illinois EPA personnel revealed quantified and estimated values of volatiles, semi-volatiles, pesticides, Polychlorinated Biphenyls (PCBs), heavy metals, and common laboratory artifacts. Chemical analysis of groundwater and residential drinking water samples collected by Illinois EPA personnel revealed quantified and estimated values of volatiles, pesticides, heavy metals, and common laboratory artifacts. None of the residential drinking water sample results exceeded a Maximum Contaminate Level (MCL).

PCBs were detected at elevated levels in a majority of the on-site soil/sediments samples. The highest concentrations significantly above background levels for the PCBs were associated with

six on-site sample points. These sample locations correspond to the numerous leachate seeps located up-gradient of the wetlands located around the perimeter of the landfill area.

PCBs were the contaminants of concern for this site under the CERCLA program criteria. These elevated levels were documented at six leachate seeps that directly impact wetland areas. At the time of the IA, these wetlands met the CERCLA definition for an impacted wetland.

Residential and community samples were limited to residential drinking water background and residential drinking water samples only. Various levels of inorganic substances were found in all the samples collected but none were significantly above background levels or above an MCL.

Section 3 Other Cleanup Authority Activities

Based on the ongoing violations and lack of any progress to remedy these violations, as mentioned earlier in this report, Waste Management entered into a consent order with the Illinois EPA and the Lake County Health Department. In 2002, Waste Management, submitted a "Project Completion Report EDCO Landfill Final Cover Construction" document. The specific details/requirements for it can be found in the Supplemental Environmental Project (SEP) section of the consent order. They never officially entered the Illinois EPA's Voluntary Clean-up Program (VCP) by the Illinois EPA did provide over-sight during the construction phase of the order. The SEP required extensive work on the landfill cap to stop the long standing issues with leachate seeps. Four active leachate were identified, excavated and then repaired with compacted clay. Other provisions of the SEP include long term maintenance requirements to address settling/erosion of the cap. It also specifies that the Lake Country Health Department conduct

annual inspections of the landfill cap and split groundwater samples with Waste Management from the network of on-site monitoring wells.

The site is currently in the long term maintenance phase of the SEP. There have been no reported violations of the order to date. Groundwater samples collected in 2008, and analyzed for the complete Target Compound List (TCL) did not report any contaminate levels above an MCL. Results of groundwater samples collected in 2015, from the same monitoring wells did not report any contaminate levels above an MCL. The 2015, sample analysis did not include polychlorinated biphenyls (PCBs).

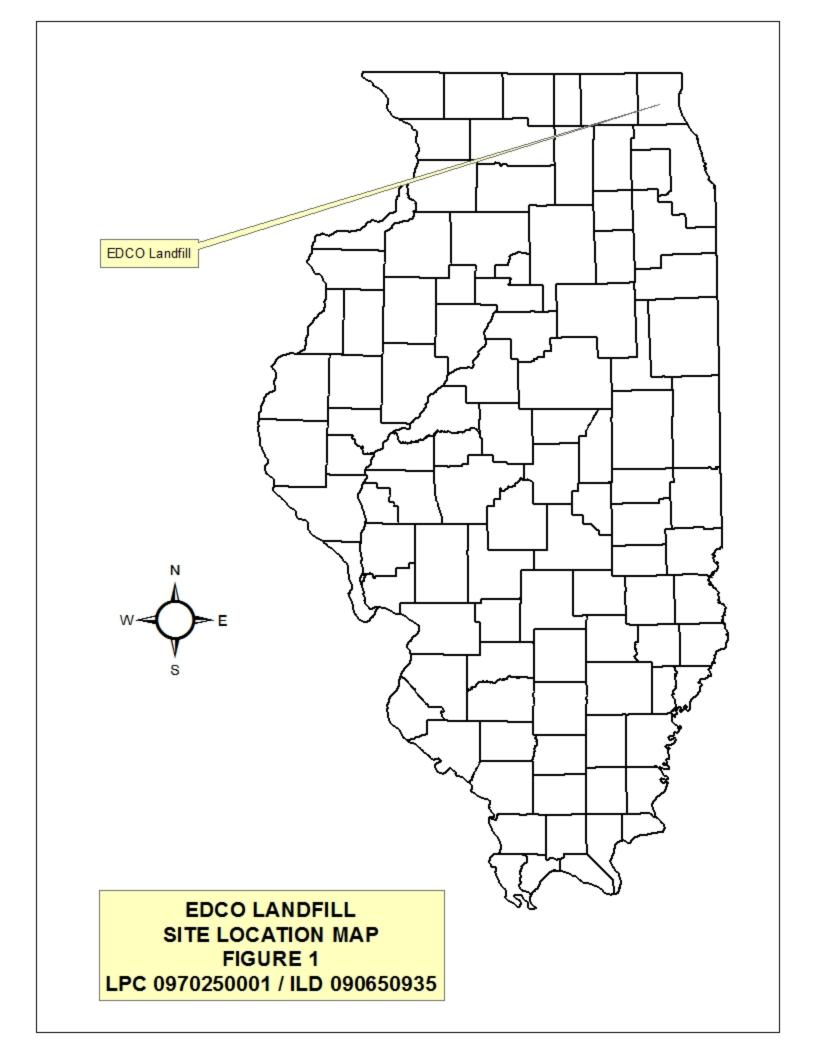
Section 4 Summary and Conclusions

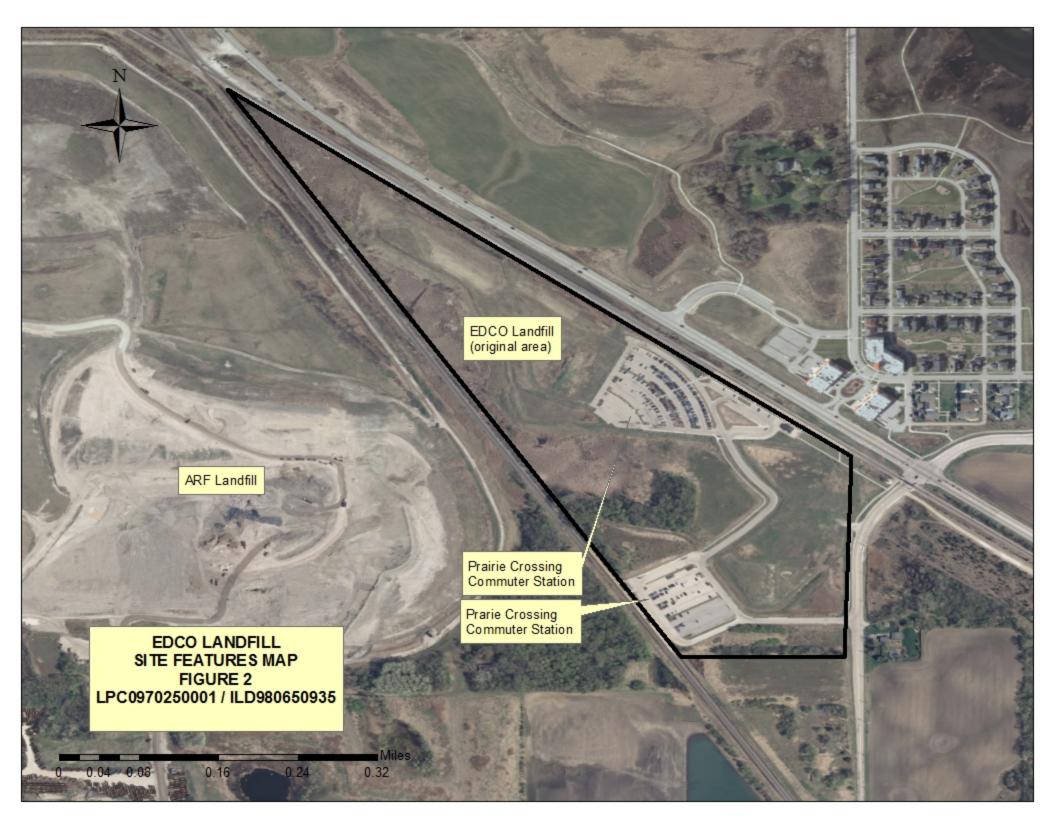
Previous environmental investigations and numerous violation notices identified multiple leachate seeps in the areas that received fill material as the environmental issue at this site.

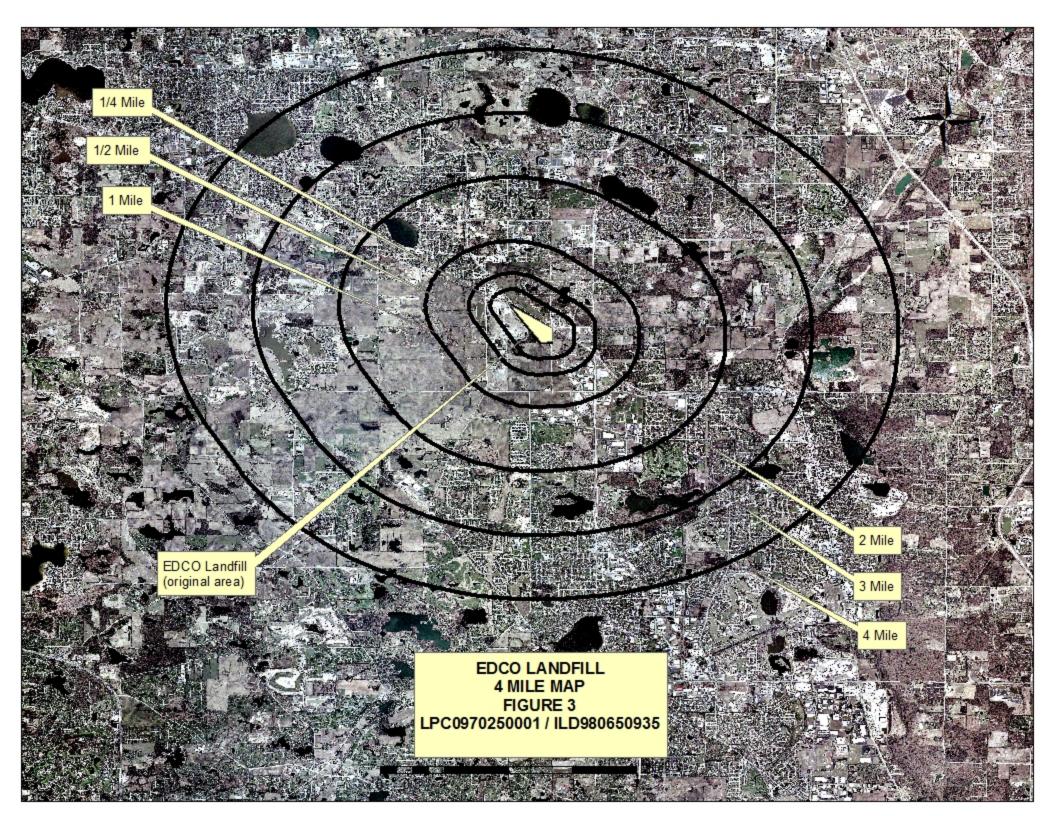
Waste Management purchased the property and in 1999, entered into a consent order with the Illinois EPA and Lake County. The order addressed, in detail, the factors that were causing the leachate seeps. Over-sight during the construction phase was primarily provided by the Illinois EPA with annual inspections to be conducted by the Lake County Health Department. The order also has funding requirements for any maintenance/repair of the cap and the structures on it that found during the annual inspections of it.

The author of this report conducted a site visit on the 8th of October, 2015. The southern portion of the site was mostly forested with small growth trees and shrubs. Further north the vegetation thins and the area becomes more of an open prairie. (See Appendix B, Site Photographs (10/2015)) The two Metra parking areas appear to be in good condition and maintained/repaired as needed. The drainage ditch along the eastern side of the site was visible, had standing water in it, but no signs of leachate or odors. The bike path follows the southeastern border of the site. It is paved, in good condition and a few bicyclists were see using on the day of the site visit. Since the last CERCLA investigations, extensive work has been done on the cap as part of the consent order and the leachate seeps have been eliminated and are no longer an environmental issue.

The order also has requirements for long term monitoring and maintenance of the cap / final cover, as well as the structures located on it. As mentioned above there are two on-site monitoring wells that have historic sample results that have not reported any contaminate levles above and MCL. There are no private residential wells adjacent to the site. There are limited private residential wells to the west of EDCO with an active landfill between them and EDCO. Approximately one mile southeast of EDCO is a cluster of private residential wells but the subdivision east of the site utilizes a public water supply.







Appendix A

Consent Order, Number 99 CH 1052, 1999

IN THE CIRCUIT COURT FOR THE NINETEENTH JUDICIAL CIRCUIT LAKE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. JAMES E. RYAN,
Attorney General of the State)
of Illinois, and MICHAEL J.)
WALLER, State's Attorney for)
Lake County,)

Plaintiff,

ν.

COUNTRYSIDE LANDFILL, INC., an Illinois corporation,

Defendant.



No.

99 GIRCUIT CLERK OS

CONSENT ORDER

This action was commenced on behalf of the PEOPLE OF THE STATE OF ILLINOIS, ex rel. JAMES E. RYAN, Attorney General of the State of Illinois, and ex rel. MICHAEL J. WALLER, Lake County State's Attorney, on their own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), and at the request of the Lake County Health Department ("LCHD"). The parties having agreed to the making and entry of this Consent Order, do hereby submit it to this Court for approval.

I.

JURISDICTION

This Court has jurisdiction of the subject matter herein and of the parties consenting hereto pursuant to the Illinois Environmental Protection Act, ("Act") 415 ILCS 5/1 et seq. (1998).

<u>AUTHORIZATION</u>

The undersigned representatives for each party certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Consent Order and to legally bind them to it.

III.

FUTURE USE

This Consent Order may be used in any future enforcement action under the Act against the Defendant as evidence of a past adjudication of violations of the Act, for purposes of Section 39(i) or Section 42(h) of the Act.

IV.

SEVERABILITY

It is the intent of the parties hereto that the provisions of this Consent Order shall be severable and should any provision be declared by a court of competent jurisdiction to be inconsistent with State or Federal law, and therefore unenforceable, the remaining provisions shall remain in full force and effect.

٧.

STATEMENT OF FACTS

Plaintiff maintains, and Defendant does not contest for the purposes of settlement, that the statement of facts contained

herein represents a fair summary of the evidence and testimony which would be introduced by the parties if a trial were held.

A. Parties

- of the State of Illinois by James E. Ryan, Attorney General of the State of Illinois and by Michael J. Waller, Lake County State's Attorney, on their own motion and upon the requests of the Illinois EPA and the LCHD, pursuant to Sections 42(d) and (e) of the Act, 415 ILCS 5/42(d) and (e) (1998), against the Defendants.
- 2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (1998).
- 3. With respect to Lake County, the State of Illinois has delegated certain inspection and enforcement authorities concerning the Act to the LCHD.
- 4. Countryside Landfill, Inc. ("CLI") owns and operates
 Countryside Landfill ("Landfill") (Illinois EPA Site No.
 0970250003), located on Illinois Route 83, approximately one mile
 south of Illinois Route 120, in unincorporated Lake County. The
 Landfill is located on the contiguous 167-acre parcel of land
 bounded by Route 83 on the west, by the Wisconsin Central
 Railroad on the east, by a lumber company to the north and
 agricultural fields to the south. The site is within Section 2,
 Township 44 North Range 10 East in Lake County, Illinois.
 - 5. CLI is an Illinois corporation licensed to do business

in Illinois and is in good standing.

- 6. CLI, as operator, was issued a permit to modify and expand the existing municipal and non-hazardous special waste landfill on September 27, 1995, Permit No. 1994-479-LF. As it related to Cells 6 and 7, the permit required the construction of a soil-geomembrane layer and limited the deposition of waste at the Landfill to certain elevation contours. The permit has been modified on various dates since that time. None of the modifications concerned either the construction of the soil geomembrane layer or the elevation contours in Cells 6 and 7.
- 7. At some time period before September 1998, CLI deposited approximately 795,000 cubic yards of waste in Cells 6 and 7 of the Landfill above the elevation at which the soil-geomembrane layer was to be constructed without said soil-geomembrane layer being constructed, and at another time period before September 1998, CLI deposited approximately 100,000 cubic yards of waste above the permitted elevation contours.
- 8. On August 14, 1998, the Defendant orally notified Illinois EPA that the Landfill had been filled above permitted elevations. Similar oral notice was provided to the Solid Waste Agency of Lake County on August 17, 1998. The Defendant notified the Illinois EPA by correspondence dated September 21, 1998 that "existing subgrade elevations in the vertical expansion area of the existing unit are different than anticipated in the designed described in the original application."
 - 9. From September 1998 through October 1998, the LCHD

received numerous complaints regarding odors emanating from the Landfill. The odors were strongest in the early mornings and evenings. The LCHD verified odors occurring off-site in the early mornings that had emanated from the Landfill.

- 10. On November 23, 1998, CLI filed an application for modification of its permit. The application sought modifications to the lining system over areas in Cells 6 and 7. The Illinois EPA issued a permit pursuant to this application on April 19, 1999, Permit No. 1994-479-LF, Modification No. 20.
- 11. On May 28, 1999, CLI filed an application for further modification of its permit. The application, among other things, sought modification to the permitted elevations at the Landfill. The modifications would change the permitted contours to allow the overheight elevation to remain in place, and offset that overheight amount by reducing the permitted elevation at another part of the Landfill contour. The Illinois EPA issued a permit pursuant to this application on September 28, 1999, Permit No. 1994-479-LF, Modification No. 21.

B. <u>Violations</u>

Plaintiff's Complaint for Injunction and Civil Penalties alleges, and Defendant denies, the following violations:

Count I: Conducting a waste-disposal operation in violation of Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (1998), and General Condition No. V(4) and Standard Condition No. 3 of Permit No. 1994-479-LF, as modified.

<u>Count II</u>: Conducting a waste-disposal operation in violation of Section 21(d)(1) of the Act, 415 ILCS

5/21(d)(1) (1998), and Operating Condition No. II(2)(+i), General Condition No. V(4), and Standard Condition No. 3 of Permit No. 1994-479-LF, as modified.

Count III: Conducting a waste-disposal operation in violation of Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (1998), and 35 Ill. Adm. Code 811.311(d)(2) and 813.201(a).

Count IV: Causing, threatening or allowing air pollution (odors) in violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (1998), and 35 Ill. Adm. Code 201.141.

<u>Count V:</u> Creating and maintaining a public nuisance in violation of Illinois common law with respect to the emission of odors to the environment.

VI.

APPLICABILITY

This Consent Order shall apply to and be binding upon the State, the County, CLI, its officers, directors, agents, employees, representatives, as well as CLI's successors and assigns.

VII.

COMPLIANCE WITH OTHER LAWS AND REGULATIONS

This Consent Order in no way affects CLI's responsibility to comply with any other federal, State, County, or local statute or regulation, including but not limited to the Act, 415 ILCS 5/1 et seq. (1998), and the regulations adopted thereunder.

VIII.

JUDGEMENT ORDER

This Court, having jurisdiction over the parties and subject

matter, the parties having appeared, due notice having been given, the Court having considered the stipulated facts and being fully advised in the premises:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

A. Penalty

1. Introduction

In order to promote the goals of the Act and enhance the quality of the environment, Plaintiff agrees that the civil penalty has been mitigated to the amount contained in this Section VIII.A.1 based upon two significant supplemental environmental projects to be completed pursuant to Section VIII.C, below.

2. Payment

a. The Defendant shall, within 30 days of the entry of this Consent Order, pay the amount of Seventy Thousand Dollars (\$70,000.00) by certified check payable to the Treasurer of the State of Illinois for deposit into the Environmental Protection Trust Fund. This Seventy Thousand Dollar (\$70,000.00) portion of the civil penalty pertains to the overheight and soil-geomembrane violations. Defendant shall deliver this check to:

Illinois Environmental Protection Agency Fiscal Services Section 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276

The name, case number, and the Defendant's Federal Employer

Identification Number ("FEIN") (CLI's FEIN is 22-2155445) shall

appear on the face of the certified check. A copy of the

certified check and the transmittal letter shall be sent to:

Bernard J. Murphy, Jr.
Assistant Attorney General
Environmental Bureau
100 West Randolph St., 11th Floor
Chicago, Illinois 60601

b. The Defendant shall, within 30 days of the entry of this Consent Order, pay the amount of Ten Thousand Dollars (\$10,000.00) by certified check to the County of Lake, made payable to the County of Lake. This Ten Thousand Dollar (\$10,000.00) portion of the civil penalty pertains to the odor related violations. The name, case number, and the Defendant's FEIN (CLI's FEIN is 22-2155445) shall appear on the face of the certified check. Defendant shall deliver the check to:

Adam B. Simon Lake County State's Attorney's Office 18 North County Street Waukegan, Illinois 60085

3. Stipulated Penalties

- a. If the Defendant fails to perform any activity required by Sections VIII.A., B. or C. of this Consent Order, it shall pay to Plaintiff for payment into the Illinois Environmental Protection Trust Fund stipulated penalties in the amount of One Thousand Dollars (\$1000.00) per day of noncompliance until such time compliance is achieved.
- b. Plaintiff may give the Defendant written notice of any such failure to perform, and may also indicate the amount of penalties then due.

- c. All penalties owed Plaintiff under this Section
 VIII.A.3 that have not been paid shall be payable within thirty
 (30) days of the date the Defendant knows or should have known of
 its noncompliance with any provision of the Consent Order, or
 from the date of any written notice of stipulated penalties from
 Plaintiff.
- d. All stipulated penalties shall be paid in the same manner as described in Section VII.A.1.a. of this Consent Order.
- e. The stipulated penalties shall be enforceable by Plaintiff and shall be in addition to and shall not preclude the use of any other remedies or sanctions arising from the failure to comply with the Consent Order.

4. <u>Interest on Penalties</u>

Pursuant to Section 42(g) of the Act, 415 ILCS 5/42(g) (1998), interest shall accrue on any penalty amount owed by the Defendant not paid within the time prescribed herein, at the maximum rate allowable under Section 1003(a) of the Illinois Income Tax Act, 35 ILCS 5/1003(a) (1998).

- a. Interest on unpaid penalties shall begin to accrue from the date the penalty payment is due and continue to accrue to the date payment is received.
- b. Where partial payment is made on any payment amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.
- c. All interest on penalties owed by the Defendant shall be paid by certified check payable to the Treasurer of the State

of Illinois for deposit in the Environmental Protection Trust

Fund at the above-indicated address. The name and number of the

case and Defendant's FEIN shall appear on the face of the check.

A copy of the check and the transmittal letter shall be sent to:

Bernard J. Murphy, Jr. Assistant Attorney General Environmental Bureau 100 West Randolph St., 11th Floor Chicago, Illinois 60601

4. For purposes of payment and collection, the Defendant may be reached at the following address:

Dennis Wilt Countryside Landfill, Inc. 720 East Butterfield Road Lombard, Illinois 60148

B. Compliance Plan

- 1. CLI shall comply with all conditions contained in Permit No. 1994-479-LF, as amended or modified.
- 2. CLI shall comply with the following sampling and reporting requirements:
- a. On an annual basis, CLI will allow the LCHD to conduct split sampling of five monitoring wells to be selected by LCHD for the analysis of the G1 and G2 parameter lists contained in Permit No. 1994-479-LF. CLI will be responsible for the payment of the analytical cost for the five split samples and one trip blank sample. The split sampling shall be performed as long as groundwater monitoring is required at the facility by the Illinois EPA.
 - b. CLI shall submit to the LCHD a spreadsheet summary

of their quarterly and annual groundwater monitoring data, including appropriate statistical analysis, within eight weeks of each sampling event, as long as groundwater monitoring is required at the facility by the Illinois EPA.

- c. By December 31 of each year, through the year during which the facility begins closure proceedings, CLI shall submit to the LCHD a topographical map of the landfill at a scale of 1 inch equals 200 feet. CLI will provide to the LCHD a quarterly certification that indicates whether the existing waste grades are within permitted final grades. CLI shall provide access to the LCHD to review facility topographical information as requested.
- 3. To the extent that the provisions and/or conditions of Permit No. 1994-479-LF exceed the sampling and reporting requirements described in each sub-paragraph of paragraph VIII.B.2, the provisions and/or conditions of Permit No. 1994-479-LF shall govern. Notwithstanding the previous sentence, it shall remain the continuing duty of CLI to provide the LCHD a copy of all reports that it provides to the Illinois EPA pursuant to said Permit.
- 4. Defendant shall complete the installation of the soil-geomembrane layer required by Permit No. 1994-479-LF on or before October 31, 2000.

C. Supplemental Environmental Project

1. The Defendant shall complete a supplemental environmental project ("SEP") designed to provide an appropriate

landfill cap at the EDCO Landfill (Illinois EPA Site No. 0970250001). The EDCO Landfill is located to the east of the CLI Landfill to the northwest of the intersection of Illinois Route 137 and Harris Road in Lake County. The cost of the EDCO Landfill SEP is valued at approximately One Million Four Hundred Thousand Dollars (\$1.4 million).

- 2. The EDCO Landfill SEP shall include the following:
- a. The Defendant shall obtain title to the EDCO Landfill property within three months of the entry of this Consent Order, and shall respond to any future releases, or threat of releases, in accordance with all applicable laws and regulations.
- b. Defendant shall clear the waste pile of vegetation, trees, shrubs, debris, household garbage, and other refuse. Defendant shall arrange for proper disposal of this refuse with a licensed waste hauler and a permitted landfill and/or landscape waste compost facility. If the refuse is hazardous waste or nonhazardous special waste, then Defendant shall arrange for additional disposal accommodations and disposal shall occur at a respectively permitted facility. Defendant shall return refuse uncovered during contouring and regrading activities to the waste pile prior to installation of the cap.
- c. Defendant shall design the cover system to limit infiltration into the waste pile from precipitation events as well as nearby surface water. Defendant shall divert runoff from undisturbed areas around the waste pile where possible.

- d. Defendant shall design the cover system to prevent leachate from exiting the confines of the landfill.
- e. The management of precipitation events is critical for limiting leachate generation. Defendant shall design the cover system to control leachate generation by restricting infiltration of precipitation into the waste pile, and shall engineer the drainage features to control surface runoff water and minimize erosion. Defendant shall ensure that minimum slopes on the final cover are no less than 2% to ensure surface water run-off is maintained. Defendant shall design the final cover to minimize the need for further maintenance.
- due to erosion and settling of the waste pile into the cover system design, including but not limited to repairs of subsidence of the cover, protection from wind and surface water erosion, plant roots and burrowing animals. Defendant shall include vegetation to minimize wind and water erosion. Defendant shall ensure that the vegetation is compatible with local climatic conditions and require little maintenance. Defendant shall ensure that the vegetation shall consists of species whose root zones do not breach the limits of the cap.
- g. Defendant shall backfill and seal all drill holes, including exploration borings that are not converted into monitoring wells, and holes that may cause or facilitate contamination of groundwater, in such a way as to prevent the creation of a pathway for contamination to migrate.

- h. Defendant shall cause the cover system design and construction shall to be reviewed, approved and certified by a Licensed Professional Engineer. Defendant shall cover the landfill with three feet of compacted clay with a maximum hydraulic conductivity of 1 x 10⁻⁷ cm/sec, and the final cover shall consist of a minimum of three feet of additional soil material that will support vegetation, as depicted in Exhibit A attached hereto. Defendant shall have the vegetative cover in place within 90 days of completion of the soil cover. Defendant shall complete the entire cover system within 15 months of the date of entry of this Consent Order.
- i. The Defendant shall conduct quarterly inspections of the site for five years. Defendant shall cover or re-contour all rills, gullies, and crevices six (6) inches or deeper identified in post construction inspections. Defendant shall fill and re-contour all holes and depressions created by settling so as to prevent standing water. Defendant shall re-vegetate areas with failed or eroded vegetation in excess of 100 cumulative square feet.
- j. Should leachate seeps redevelop following installation of the cover system, Defendant shall take additional measures to prevent leachate from leaving the confines of the landfill.
- k. Defendant shall correct any damage to area roadways, due to remedial activities, within 30 days of completion of the installation of the cover system.

- 1. The Defendant shall notify nearby residents of these remedial activities prior to initiation. Such notification shall include the respective dates of such activities.

 Defendant shall provide a plan for such notification to Plaintiff for approval at least 15 days prior to initiation of the work.
- m. Defendant shall effectuate a property deed restriction to control future site access and use. The property deed restriction shall prohibit on-site groundwater use and on-site drilling, except for purposes of site remediation and/or groundwater investigation. The property deed restriction shall also restrict construction at the property to structures that do not jeopardize the integrity of the cover system or promote leachate or landfill gas migration. The property deed restriction shall also require that any inclosures be equipped with a passive ventilation system, continuous air monitoring equipment, or both.
- n. The deed restriction shall address underground utilities that are currently on-site or are being planned to ensure the safety of utility workers and maintain the integrity of the cover system and runoff. The deed restriction shall also provide that current or future utilities shall not be located in areas that promote migration of leachate.
- o. CLI shall drill, install and develop two
 monitoring wells screened into the uppermost aquifer (identified
 as the basal sand unit) down gradient of the EDCO landfill. The

location of the two monitoring wells shall be mutually agreed upon by CLI and the LCHD. At their choosing, the LCHD can include these two wells as part of the five monitoring wells sampled annually as described in paragraph VIII.B.2. Parameters analyzed will be from the G1 and G2 parameter lists contained in Permit No. 1994-479-LF.

- 3. Defendant shall, within 15 months hereof, complete the EDCO Landfill SEP as described above.
- 4. Defendant shall submit a detailed SEP Completion Report for the EDCO Landfill SEP. The EDCO Landfill SEP Completion Report shall contain the following information:
 - a. A detailed narrative description of the SEP as implemented;
 - b. A description of any cover system installation problems encountered and solutions thereto;
 - c. An initial inspection presenting a description of the post-construction condition of the final cover;
 - d. "As-built" drawing of the final cover system which includes, but is not limited to, the surveyed elevations of final cover conditions including the extent of waste material and final cover system;
 - e. Itemized costs, documented by copies of purchase orders and receipts or canceled checks;
 - f. Certification that the SEP has been fully implemented pursuant to this Consent Order; and,
 - g. A description of the environmental protection and public health benefits resulting from the implementation of the SEP.
- 5. Defendant shall also provide \$100,000.00 in funding for an Illinois EPA household hazardous waste collection event(s) to be conducted in Lake County. The date, time, and location of the

household hazardous waste collection event(s) will be designated by the Illinois EPA. Defendant may, at its option, choose to be a co-sponsor of the event(s) with the Illinois EPA and any other co-sponsor(s) authorized by the Illinois EPA. Defendant shall pay the \$100,000.00 in one or more payments as directed by Illinois EPA. Such payment or payments shall be made within thirty days of notification to pay by the Illinois EPA. Contact with the Illinois EPA for the purposes of this household hazardous waste collection SEP may be made with:

Dan Rion Bureau of Land Illinois Environmental Protection Agency 1021 North Grand Avenue East Springfield, Illinois 62794-9276

Copies of any such correspondence from Defendant shall be provided to:

Bernard J. Murphy, Jr. Assistant Attorney General Environmental Bureau 100 West Randolph St., 11th Floor Chicago, Illinois 60601

Adam B. Simon Assistant State's Attorney Lake County State's Attorney's Office 18 North County Street Waukegan, Illinois 60085

6. By signature on this Consent Order, the Defendant certifies that, as of the date of this Consent Order, it is not required to perform or develop the SEPs by any federal, state or local law or regulation, nor is the Defendant required to perform or develop the SEPs by agreement or injunctive relief in any other case. The Defendant further certifies that it has not

received, and are not presently negotiating to receive credit for the SEPs in any other enforcement action.

- 7. Any public statement, oral or written, in print, film or other media, made by the Defendant making reference to either SEP shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action taken by the Illinois Attorney General, the Illinois EPA and Lake County for alleged violations of the Illinois Environmental Protection Act and regulations promulgated thereunder."
- 8. CLI shall maintain, for a period of five years, legible copies of documentation of the underlying research and data for any and all documents or reports submitted to the Illinois Attorney General, the Illinois EPA, and the County pursuant to this Consent Order, and CLI shall provide the documentation of any such underlying research and data to the Illinois Attorney General's Office, the Illinois EPA, or the County within 15 days of the request for such information. In all documents or reports submitted pursuant to this agreement, CLI, by its officers, shall sign and certify that the information contained in such document or report is true, accurate, and not misleading by including and signing the following statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons who manage CLI or those persons directly responsible for gathering the

information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

D. Force Majeure

- 1. Any failure by the Defendant to comply with any of the requirements of this Consent Order shall not be a violation of this Consent Order if such a failure is the result of actions by persons or events beyond the reasonable control of the Defendant.
- In the event that such circumstances have occurred 2. which cause or may cause a delay in the performance of the terms or the compliance provision of this Order, the Defendant shall notify the Attorney General, the State's Attorney and the Illinois EPA in writing as soon as practicable but oral notice shall be given to the Attorney General, the State's Attorney and the Illinois EPA within 48 hours of the occurrence and written notice shall be given to the Attorney General, the State's Attorney and the Illinois EPA no later than seven (7) calendar days after the claimed occurrence. Failure to so notify the Attorney General, the State's Attorney and the Illinois EPA shall constitute a waiver of any defense under this Section arising from said circumstances. The Defendant shall provide a detailed written description of the precise cause or causes of the claimed occurrence which resulted or will result in the delay, the nature of the delay and its expected duration, the measures taken or to be taken to prevent or mitigate the delay and the timetable under

which such measures will be taken. The Defendant shall adopt all reasonable measures to avoid or minimize such delay.

- 3. If the parties agree that the delay has been or will be caused by circumstances beyond the control of the Defendant, the time for performance hereunder shall be extended for a period equal to the length of the delay as determined by the parties.
- 4. In the event the parties cannot agree that a force majeure event has occurred or the extent thereof, the dispute shall be resolved in accordance with Section VIII.E of this Consent Order. However, the Defendant invoking the Dispute Resolution provisions of Section VIII.E herein is not in and of itself a "force majeure" event. The Defendant has the burden of proving a force majeure by a preponderance of the evidence as a defense to compliance with the Consent Order.
- 5. An increase in costs associated with implementing any requirement of this Consent Order shall not, by itself, excuse the Defendants under the provisions of this section from a failure to comply with such a requirement.

E. Dispute Resolution

1. The parties shall use their best efforts to informally and in good faith resolve all disputes or differences of opinion. Any dispute which arises with respect to the meaning, application, interpretation, amendment, or modification of any term of this Consent Order or any delay thereunder shall, in the first instance, be the subject of such informal negotiations as set forth below.

2. If the Defendant objects to any action taken by the Attorney General, the State's Attorney or the Illinois EPA regarding this Consent Order, the Defendant shall notify the Attorney General, the State's Attorney and the Illinois EPA in writing of its objection, detailing its position and the basis therefore and its proposed resolution, within fourteen (14) days of the action. The Attorney General, the State's Attorney and the Illinois EPA and the Defendant shall have twenty-one (21) days after receipt by the Attorney General, the State's Attorney and the Illinois EPA of such objection to resolve that objection by agreement. This period may be extended by written agreement of the parties. The Attorney General, the State's Attorney or the Illinois EPA shall notify the Defendant in writing of its final decision on any objection by the Defendant within thirty (30) days after receipt of that objection. Unless the Defendant applies to the Court for relief within thirty (30) days after receipt of the Attorney General's, the State's Attorney's or the Illinois EPA's decision, said decision shall be final and be binding upon the Defendant. The burden shall be upon the Defendant to show by a preponderance of the evidence that the Attorney General's, the State's Attorney's or the Illinois EPA's decision is not in furtherance of the terms or objectives of the Consent Order. Invocation of Dispute Resolution shall not, in and of itself, relieve the Defendants of any duties or liabilities under this Consent Order.

F. Notice

Whenever the parties are required to provide notice, reports or other documents to one another pursuant to any provisions of this Consent Order, they shall provide such notice or other documentation by letter via U.S. Mail or overnight delivery which references the caption and case number of this proceeding with copies mailed by certified mail with return receipt requested, hand-delivered, or sent by delivery service to:

1. As to the State

Bernard J. Murphy, Jr. Assistant Attorney General Environmental Bureau 100 West Randolph St., 11th Floor Chicago, Illinois 60601

Donald L. Gimbel Assistant Counsel Illinois EPA 1701 First Avenue, 6th Floor Maywood, Illinois 60153

2. As to the County

Michael J. Waller State's Attorney County of Lake 18 North County Street Waukegan, Illinois 60085

Mike Kuhn Environmental Inspector Lake County Health Department 3010 West Grand Avenue Waukegan, Illinois 60085

3. As to the Defendants

Dennis Wilt Countryside Landfill, Inc. 720 East Butterfield Road Lombard, Illinois 60148 Jane DiRenzo Pigott Winston & Strawn 35 West Wacker Drive Chicago, Illinois 60601-9703

G. Right of Entry

In addition to any other authority, the Illinois EPA, its employees and representatives, the Attorney General, his agents and representatives, and the County of Lake, its employees and representatives, shall have the right of entry into and upon the Defendant's facility which is the subject of this Consent Order, at all reasonable times for the purposes of carrying out inspections relating to enforcement and performance under this Consent Order. In conducting such inspections, the Illinois EPA, its employees and representatives, the Attorney General, his employees and representatives, and the County of Lake, its employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

H. Cease and Desist

Defendant shall cease and desist from future violations of the Act, Board regulations and permit conditions set forth in Permit No. 1994-479-LF, as modified, including but not limited to, those Sections of the Act, Board regulations and permit conditions that were the subject matter of the complaint as outlined in Section V.B. of this Consent Order.

I. Extension of Deadlines

The parties may agree to extend any deadline imposed in this Consent Order by written agreement, without otherwise amending or modifying this Consent Order.

J. Release from Liability

In consideration of the Defendant's commitments to perform the actions and pay the penalties required herein, Plaintiff releases, waives and discharges the Defendant, its officers, directors and employees, successors and assigns from any further liability or penalties resulting from the violations of the Act, Board regulations and permit conditions which are the subject matter of the Complaint herein. This release does not apply to any person or entity not signing this Consent Order.

K. Retention of Jurisdiction

This Court shall retain jurisdiction of this matter for the purposes of interpreting and enforcing the terms and conditions of this Consent Order.

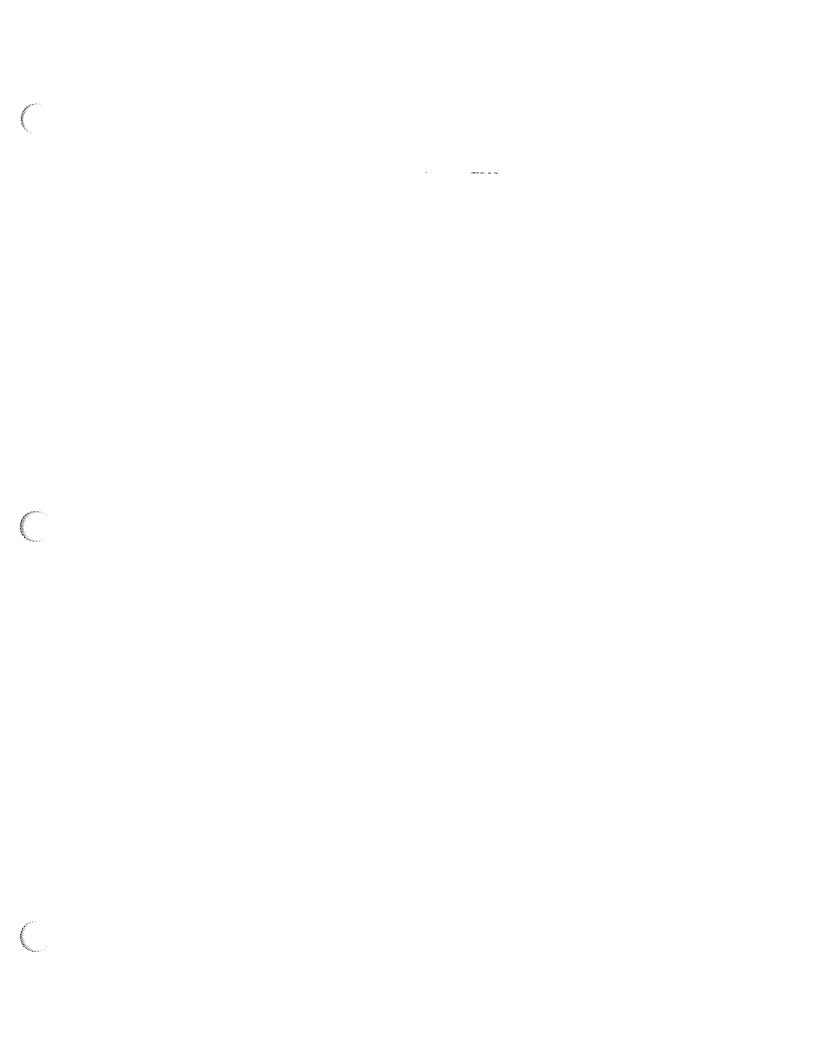
L. Enforcement of Consent Order

Upon the entry of this Consent Order, any party hereto, upon motion, may reinstate these proceedings solely for the purpose of enforcing the terms and conditions of this Consent Order. This Consent Order is a binding and enforceable order of the Court and may be enforced as such through any and all available means.

Nothing in this Consent Order shall be construed as limiting the State's or County's right to seek injunctive relief to enforce the terms and conditions of this Consent Order.

M. Execution

This document may be signed by counterpart, each individually executed signature page being a part of the original.



WHEREFORE, the parties, by their representatives, enter into this Consent Order and submit it to the Court that it may be approved and entered.

AGREED

FOR PLAINTIFF:

PEOPLE OF THE STATE OF ILLINOIS ex rel. JAMES E. RYAN, Attorney General of the State of Illinois,

and MICHAEL J. WALLER, State's Attorney of Lake County

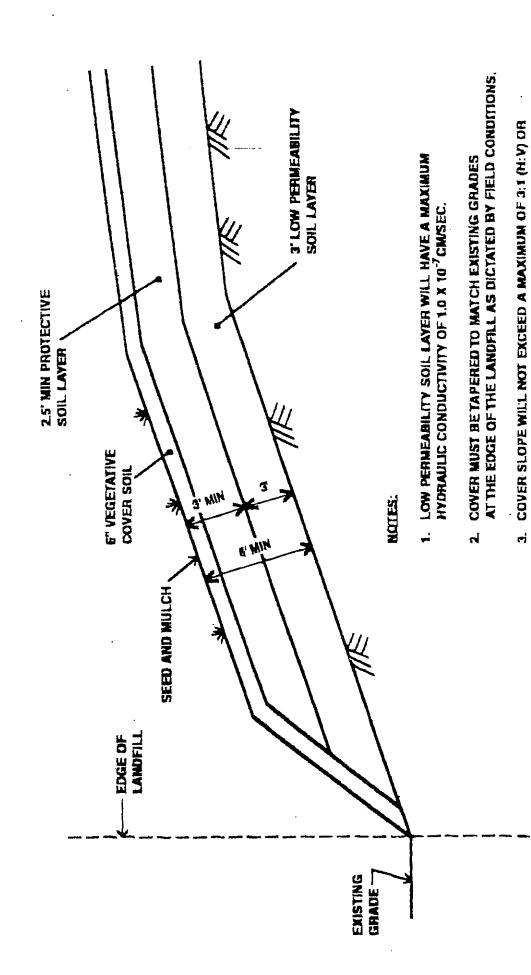
MATTHEW J. DUNN, Chief Environmental Enforcement/ Asbestos Litigation Division

By:
ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General
Date:
ex rel. MICHAEL J. WALLER State's Attorney of Lake County
By: MITCHELL L. HOFFMAN Chief Deputy State's Attorney, Civil Division
Date: 9-27-99
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
By: JOSEPH E. SVOBODA Chief Legal Counsel
Date:

PROTECTION AGENCY

By:	
JOSEPH E. SVOBODA	
Chief Legal Counsel	America de l'acceptant
Date:	·
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FOR THE DEFENDANT:	
COUNTRYSIDE LANDFILL, INC.	
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BY: Les less	
Date: 9-24-99	
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WALLACE B. DUNN	
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JUDGE	shely a Collett-
	CIRCUIT CLERK
	F 65

EXHIBIT A



A MINIMUM OF 2%.

Appendix B Site Photographs (10/2015) SITE NAME: Edco Landfill

COUNTY: Lake

DATE: 10/8/2015

TIME:

PHOTO BY: Mark Wagner

PHOTO BY: DIRECTION:

COMMENTS:

Northern station parking lot,

facing west.



DATE: 10/8/2015

TIME: Mark Wagner

PHOTO BY: DIRECTION:

COMMENTS:

Northern station parking lot,

facing west.



SITE NAME: Edco Landfill

COUNTY: Lake

DATE: 10/8/2015 **TIME**:

PHOTO BY: Mark Wagner

DIRECTION: COMMENTS:

Northern station parking lot, facing north.



DATE: 10/8/2015

TIME:

PHOTO BY: Mark Wagner

DIRECTION:

COMMENTS:

Northern station parking lot, facing southwest.



SITE NAME: Edco Landfill

COUNTY: Lake

DATE: 8/10/2015

TIME:

PHOTO BY: Mark Wagner

DIRECTION:

COMMENTS:

Southern station parking lot, facing south.



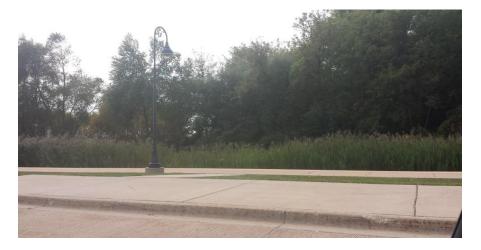
DATE: 10/8/2015

TIME: Mark Wagner

PHOTO BY: DIRECTION:

COMMENTS:

Northern station parking lot, facing west.



SITE NAME: Edco Landfill

COUNTY: Lake

DATE:

TIME:

PHOTO BY: Mark Wagner

DIRECTION:

COMMENTS:

Southern Station, facing west.

